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6 Attorneys for Defendants and Specially  
Appearing Defendants *Bayer Corporation,*  
7 *Bayer Essure Inc., Bayer HealthCare LLC,*  
*Bayer HealthCare Pharmaceuticals Inc.*  
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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 CASEY BAIR, *et al.*,

12  
13 Plaintiffs,

14 vs.

15 BAYER CORP.; BAYER HEALTHCARE  
16 LLC; BAYER ESSURE INC., (F/K/A  
CONCEPTUS, INC.); BAYER HEALTHCARE  
17 PHARMACEUTICALS, INC.; and DOES 1-10,  
inclusive,

18  
19 Defendants.  
20  
21  
22

) Case No. 3:17-cv-01992-WHA  
) Order re:  
) **JOINT STIPULATION TO STAY**  
) **BRIEFING PENDING RULINGS ON**  
) **MOTION TO REMAND AND**  
) **MOTION TO DISMISS IN *BAIR, et***  
) ***al. v. BAYER CORP., et al.***

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28 Order re:

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JOINT STIPULATION TO STAY BRIEFING;  
CASE NO. 3:17-cv-01992-WHA

1 Subject to and without waiving their rights to challenge any aspect of Defendants' Removal,  
2 Plaintiffs Casey Bair, *et al.*, and defendants and specially-appearing defendants Bayer Corporation,  
3 Bayer Essure Inc., Bayer HealthCare LLC, and Bayer HealthCare Pharmaceuticals Inc. (collectively,  
4 "Bayer"), hereby stipulate and agree as follows:

5 1. Plaintiffs filed their complaint on February 28, 2017, in the Superior Court for the  
6 State of California, County of Fresno. In their complaint, Plaintiffs assert claims involving the  
7 Essure® Permanent Birth Control System (the "Essure® Device").

8 2. On April 5, 2017, the Coordination Trial Judge of the Superior Court of the State of  
9 California, County of Alameda, granted Plaintiffs' petition for coordination of add-on cases with the  
10 Judicial Council Coordination Proceeding ("JCCP") 4887.

11 3. On April 10, 2017, Bayer filed a Notice of Removal purporting to remove the matter  
12 from the Alameda County Superior Court to the United States District Court for the Northern  
13 District of California. Bayer maintains that its removal to the Northern District of California was  
14 proper. [Dkt. No. 1].

15 4. Bayer filed its Motion to Dismiss on April 17, 2017, on the grounds of federal  
16 preemption, among other grounds. [Dkt. No. 16]. The Motion to Dismiss is currently scheduled for  
17 hearing on June 8, 2017.

18 5. Plaintiffs intend to file a Motion to Remand.

19 6. On April 13, 2017, this matter was deemed related to another matter pending before  
20 this Court involving the Essure® Device, captioned as *Elizabeth Ann Sangimino, et al. v. Bayer*  
21 *Corp., et al.*, Case No. 3:17-cv-01488-WHA. [Dkt. No. 12].

22 7. In the *Sangimino* matter, the Court has already set a briefing schedule on Bayer's  
23 Motion to Dismiss, which is similar to the Motion to Dismiss filed in this matter, and on Plaintiffs'  
24 Motion to Remand, which will have some similarities to the Motion to Remand to be filed in this  
25 matter. The briefing schedule on those motions in *Sangimino* is as follows:

- 26 • **April 28, 2017:** Bayer's deadline to respond to Plaintiffs' Motion to Remand;  
27 Plaintiffs' deadline to respond to Bayer's Motion to Dismiss;

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- **May 12, 2017:** Bayer's deadline to file a reply in support of the Motion to Dismiss; Plaintiffs' deadline to file a reply in support of the Motion to Remand;
- **June 8, 2017:** Hearing on Motion to Dismiss and Motion to Remand.

8. In light of the close overlap between the issues being briefed in *Sangimino* and some of those that will be presented to the Court in this matter, the parties have met and conferred and agree that it would be in the interest of judicial economy to stay the briefing in this matter pending the Court's rulings on the Motion to Dismiss and Motion to Remand in *Sangimino*. The Parties thus respectfully request and ask the Court to enter an order in this matter staying all briefing on Bayer's Motion to Dismiss and Plaintiffs' Motion to Remand until such time.

IT IS SO STIPULATED.

Dated: April 25, 2017

By: /s/ Kyle G. Bates

Kyle G. Bates  
SCHNEIDER WALLACE COTTRELL  
KONECKY WOTKYNs

*Attorneys for Plaintiffs Casey Bair, et al.*

Dated: April 25, 2017

By: /s/ Alycia A. Degen

Alycia A. Degen  
Bradley J. Dugan  
SIDLEY AUSTIN LLP

*Attorneys for Defendants and Specially  
Appearing Defendants  
Bayer Corporation, Bayer HealthCare LLC,  
Bayer Essure Inc., and Bayer HealthCare  
Pharmaceuticals Inc.*

**Filer's Attestation:** Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby attests that concurrence in the filing of this document has been obtained from counsel for Plaintiffs.

Dated: April 25, 2017

By: /s/ Alycia A. Degen

Alycia A. Degen


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~~[PROPOSED]~~ ORDER

PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS ORDERED THAT the deadlines related to Bayer's Motion to Dismiss and for Plaintiffs to file their anticipated Motion to Remand are STAYED and continued pending the Court's rulings on the Motion to Dismiss and Motion to Remand in the related case *Sangimino v. Bayer Corp., et al.*, Case No. 3:17-cv-01488-WHA.

Dated: April 28, 2017

  
Honorable William H. Alsup